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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,781	01/20/2002	Sasisekharan Raguram	716-967us	4254
22897	7590	09/08/2005	EXAMINER	
DEMONT & BREYER, LLC			NAWAZ, ASAD M	
SUITE 250				
100 COMMONS WAY			ART UNIT	PAPER NUMBER
HOLMDEL, NJ 07733			2155	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/053,781	RAGURAM ET AL.	
	Examiner Asad M. Nawaz	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-15 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 16-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 8-15 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to the amendment filed May 16, 2005. Claims 1 and 2 have been amended. Claims 6-19 have been newly added. Claims 1-19 are presented for examination.

#### ***Election/Restrictions***

2. Newly submitted claims 8-15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Independent claim 8 teaches new limitations such as "instructing each of said plurality of nodes to provision said reserved network resources after some time interval unless...". Independent claim 12 also teaches new limitations such as "spawning at least one subordinate set-up message as a proxy ...".

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 8-15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ash et al (US Patent 6,778,535).

As to claim 1, Ash et al teaches a method comprising: routing a set-up message to a plurality of nodes in a transport network, wherein said set-up message reserves network resources for a plurality of traffic paths through said transport network as said set-up message visits each of said plurality of nodes; (Abstract; col 2, lines 5-12; col 3, lines 3-45; col 5, lines 35-53)

and routing said set-up message to said plurality of nodes in said transport network, wherein said set-up message provisions network resources for said plurality of traffic paths through said transport network as said set-up message revisits each of said plurality of nodes. (Abstract; col 2, lines 5-12; col 3, lines 3-45; col 5, lines 35-53)

As to claim 2, Ash et al teaches the method of claim 1 wherein at least one of said plurality of traffic paths is a working path and wherein at least one of said plurality of traffic paths is a protection path for said working path. (col 3, lines 3-46)

As to claim 3, Ash et al teaches the method of claim 1 wherein said set-up message revisits each of said plurality of nodes in the reverse order in which said set-up message visits each of said plurality of nodes. (Abstract; Fig 2, col 3, lines 15-33)

As to claim 4, Ash et al teaches the method of claim 1 wherein said transport network is a mesh network. (Fig 3, col 3, lines 33-46)

As to claim 5, Ash et al teaches the method of claim 1 wherein said transport network is a ring network. (Fig 2, col 3, lines 3-32)

As to claim 6, Ash et al teaches the method of claim 1 wherein at least one of said plurality of traffic paths is a multicast traffic path.(abstract; It is known that connection-oriented link layers, such as ATM, as taught by Ash et al, have built-in mechanisms for "point-to-multipoint" or "multipoint-to-multipoint" connections.)

Claims 16-18 contain similar limitations as the above mentioned claims and are thus rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ash et al (US Patent 6,778,535) further in view of Official Notice.

As to claims 7 and 19, Ash teaches the method of claim 1, however, Ash does not explicitly indicate that some nodes are in a first network while others are in another.

It would have been obvious to one of ordinary skill in the art at the time of the invention to traverse a path through a number of different types of networks, whether they are a mesh network, ring network, use TCP/IP, etc. Numerous existing networking

infrastructure enable one to employ nodes belonging to different transport networks without the need for additional work by the client.

***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive. Applicant argues in substance that Ash does not teach or suggest A) the reservation of the network resources prior to provisioning and B) provisioning of plurality of traffic paths at once.

In response to A) Ash et al teaches a reservation before provisioning. Ash teaches that if there is sufficient resources such as bandwidth available on a path, then the call is allocated to this path. (col 3, lines 13-15)

In response to B), Applicant argues that "Ash does not teach or suggest the provisioning of multiple traffic paths at once". These limitations are not found in the claims. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

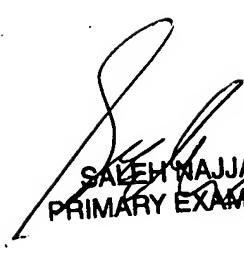
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2155

  
AMN

  
SALEEM WAJJAR  
PRIMARY EXAMINER